

RECEIVED

OCT 17 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re application of : **Confirmation No. 5928**  
Masakazu KAWASAKI et al. : Docket No. 2001-1749A  
Serial No. 09/979,509 : Group Art Unit 1614  
Filed March 5, 2002 : Examiner Phyllis G. Spivack  
MAG EXPRESSION PROMOTERS :

---

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Sir:

This paper is responsive to the Office Action of September 16, 2003, constituting a requirement for restriction.

The Office Action indicates that claims 1-33 are pending in the application. However, a Preliminary Amendment was filed with the application on November 23, 2001, amending the specification, cancelling claims 19-30, amending claim 5, and adding new claims 34-36. Therefore, the claims pending in the application are claims 1-18 and 31-36.

In response to the requirement for restriction, Applicants hereby elect the subject matter of Group I, i.e. claims 1-6, 10-18 and 31-33. This election is made with traverse, and while reserving Applicants' right under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

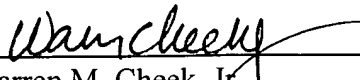
Traversal of the restriction requirement is based on the fact that claims 7-9 are directed to a method of use for the compounds of the elected claims. Therefore, upon allowance of the elected claims, claims 7-9 should be rejoined with the elected claims.

Action on the merits is now requested.

Respectfully submitted,

Masakazu KAWASAKI et al.

By:

  
Warren M. Cheek, Jr.  
Registration No. 33,367 *for*  
Michael R. Davis  
Registration No. 25,134  
Attorney for Applicants

MRD/pth  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
October 16, 2003